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SENATE BILL 6475

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State of Washington                      54th Legislature                      1996 Regular Session

By Senators Roach, Smith, Johnson, Long, Schow, Zarelli and Goings

Read first time 01/16/96. Referred to Committee on Law & Justice.

1            AN ACT Relating to disqualification of district judges; and  
2 amending RCW 3.34.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 3.34.110 and 1984 c 258 s 17 are each amended to read  
5 as follows:

6            A district judge shall not act as judge in any ~~((of the following~~  
7 ~~cases:~~

8            ~~((1) In an))~~ action to which the judge is a party, or in which the  
9 judge is directly interested, or in which the judge has been an  
10 attorney for a party, or in which the judge believes he or she would be  
11 unable to act as an impartial judge.

12            ~~((2) When the judge or))~~ If one of the parties ((believes)) to an  
13 action has reason to believe that the parties cannot have an impartial  
14 trial before ((the)) a judge, the party shall file an affidavit of  
15 prejudice with the judge, outlining the reasons, and requesting that  
16 the judge recuse himself or herself. If the judge, after considering  
17 the affidavit, refuses to recuse himself or herself, the party filing  
18 the affidavit shall have the right to appeal to superior court within

1 fourteen days requesting an order requiring the judge to recuse himself  
2 or herself. The case shall be stayed pending appeal.

3 The supreme court may adopt rules of procedure for implementation  
4 consistent with this law. ((Only one change of judges shall be allowed  
5 each party under this subsection.

6 When a judge is disqualified under this section, the case shall be  
7 heard before another judge or judge pro tempore of the same county.))

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